

## REMARKS

Claims 1-9 are pending in the present Application. Claims 1 and 5 have been amended, leaving Claims 1-9 for consideration upon entry of the present Amendment. These claims have been amended to provide clarity to Applicant's claimed invention. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

### Claim Rejections under 35 U.S.C. § 102(e)

Claim 1 stands rejected under 35 U.S.C § 102(e) as being anticipated by US Patent No. 6,420,758 to Nakajima (hereinafter referred to as "Nakajima"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the \* \* \* claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Amended claim 1 recites, an organic EL panel having a plurality of organic EL elements arranged in a matrix, comprising: a drive transistor provided to each of the plurality of organic EL elements, for controlling a drive current to be supplied to a corresponding organic EL element; and a peripheral transistor disposed within a peripheral circuit which is formed outside of a display area where the plurality of organic EL elements are arranged, for outputting a signal for controlling the drive transistor, wherein a gate length of the drive transistor is set longer than a gate length of the peripheral transistor.

Nakajima does not disclose, either expressly or inherently, all of the elements of claim 1. Specifically, Nakajima does not disclose a peripheral transistor disposed within a peripheral circuit which is formed outside of a display area where the plurality of organic EL elements are arranged. Rather, Nakajima discloses a TFT 3002 formed on the substrate below the pixel region of an EL display as illustrated in FIG. 21-22.

Accordingly, Nakajima fails to teach each and every element of Applicant's independent claim 1. As such, claim 1 is not anticipated by Nakajima

Claim Rejections under 35 U.S.C. § 103(a)

Claims 2-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakajima. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Independent claims 1 and 5 each disclose an organic EL panel having a plurality of organic EL elements arranged in a matrix comprising, *inter alia*, a peripheral transistor disposed within a peripheral circuit which is formed outside of a display area where the plurality of organic EL elements are arranged.

As noted above, Nakajima discloses a TFT 3002 formed on the substrate below the pixel region of a EL display. Nakajima fails to teach or suggest each and every element of Applicant's independent claims 1 and 5. As such, independent claims 1 and 5 are not obvious over Nakajima and are therefore allowable. Moreover, claims 2-4 depend from independent claim 1 and claims 6-9 depend from independent claim 5; thus, these claims are believed to be allowable at least due to this dependency.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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